

February 10, 1997

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON

700 Central Building  
810 Third Avenue  
Seattle, Washington 98104  
Telephone (206) 296-4660 Facsimile (206) 296-1654

REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL

SUBJECT: Department of Transportation File No. **V-2280**  
Proposed Ordinance No. **97-020**

**KARL WEISER**  
Petition for Road Vacation

Location: The Alley is located parallel to and east of 308th Avenue Southeast and north of SE 85th Street in the Preston area

Petitioner: Karl Weiser  
746 Somerset Lane  
Edmonds, WA 98020

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2280 was received by the Examiner on January 23, 1997.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2280 was opened by the Examiner at 10:50 a.m., February 5, 1997, in Room No. 230, Central Building, 810 Third Avenue, Seattle, Washington, and closed at 11:10 a.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location: The Alley in Block 2, dedicated in the plat of First Addition to Preston as recorded in volume 12 of plats, page 32, records of King County, Washington

Right-of-Way Classification: C

Area: 3,289 square feet

Compensation: \$4,270.68 (waived on exchange)

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the February 5, 1997, public hearing and the statement of facts contained in Proposed Substitute Ordinance No. 97-020, February 10, 1997, draft. The said reports will be attached to the copies of this report and recommendation submitted to the King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.
5. The road location description within the Department of Transportation's report is corrected to read "308th Avenue Southeast", and the value of right-of-way compensation as stated in both the staff report and the Proposed Ordinance No. 97-020 is corrected to \$4,270.68. This compensation amount is being waived upon recommendation of the Department of Transportation because the Petitioner is exchanging property of equivalent value on Lots 3 through 6 of Parcel 1 and a portion of Parcel 2 in the location where the existing roadway for 308th Avenue Southeast encroaches upon said Parcels.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Substitute Ordinance No. 97-020 to vacate the subject road.

ORDERED this 10th day of February, 1997.

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Stafford L. Smith, Deputy  
King County Hearing Examiner

TRANSMITTED this 10th day of February, 1997, to the following parties and interested persons:

Karl Weiser

Tommy Burdette, KCDOT	Anna Nelson, DDES
Sharon Claussen, KC Parks & Cultural Resources	John J. Logan, KCDOT
Robert Derrick, DDES	Lisa Pringle, DDES
Tom Eksten, KC Parks & Cultural Resources	Lydia Reynolds, KCDOT
Dennis Gorley, KCDOT	Gary Samek, KCDOT
Bernard Thompson, KC Construction/Facilities	Bill Hintz, KCDOT
Charlie Sundberg, KC Parks & Cultural Resources	Bill Hoffman, KCDOT
Glenn Kost, KC Parks & Cultural Resources	Roderick E. Matsuno, KCDOT
Dave Preugschat, KC Property Services Division	John J. Logan, KCDOT
Arthur Thornbury, Metro King County Council	Harold S. Taniguchi, KC DOT
Paul Toliver, KC DOT	

All Points Association	Steve Densely/Pacific Telecommunications
KC Water District #123	Puget Power
Christine Price/U.S. West	Cheryl Paras/Washington Natural Gas
METRO Transit	

NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before **February 24, 1997**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before **March 3, 1997**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE FEBRUARY 5, 1997, PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION FILE NO. V-2280, KARL WEISER PETITION FOR ROAD VACATION.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Karl Weiser, and Dennis Gorley/King County Department of Transportation.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Report to the King County Hearing Examiner, prepared for the February 5, 1997 public hearing on road vacation petition file No. V-2280, including attached comments from reviewing agencies.
- Exhibit No. 2 Memorandum, dated January 4, 1995, from Property Service Division, to Road Services Division, re: V-2280 road vacation, with attached letter from Karl Weiser,

- dated December 29, 1994, and three maps
- Exhibit No. 3 Petition transmittal letter, dated October 30, 1995, from Clerk of the Metropolitan King County Council, to King County Hearing Examiner
- Exhibit No. 4 Letter, dated April 29, 1995, from Karl Weiser, to Clerk of the Council, RE: trade of deed
- Exhibit No. 5 Petition for vacation of a county road, including legal description of petitioner's property, signed by Karl Weiser and Pamela Roake
- Exhibit No. 6 Copy of filing fee check (#2602), dated September 18, 1995, signed by Karl Weiser, to King County Department of Finance, in the amount of \$100.
- Exhibit No. 7 Copy of survey map
- Exhibit No. 8 Portion of the Assessor's map identifying site of road vacation
- Exhibit No. 9 Letter, dated March 6, 1996, from Road Services Division, to Karl Weiser, re: notification of road vacation process and requesting legal description
- Exhibit No. 10 Letter, dated August 26, 1996, from Department of Transportation, to Clerk of the Council, re: recommended road vacation V-2280
- Exhibit No. 11 Letter, dated September 20, 1996, from King County Department of Transportation, to Karl Weiser, re: amount of compensation for road vacation V-2280, and requesting the petitioner execute the deed for exchange of right-of-way (with deed and attachments)
- Exhibit No. 12 Road vacation worksheet V-2280.XLS, dated July 23, 1996
- Exhibit No. 13 Copy of warranty deed executed by petitioners
- Exhibit No. 14 Letter, dated January 3, 1997, from Gary Locke/King County Executive, to Councilmember Jane Hague
- Exhibit No. 15 Copy of draft of proposed ordinance No. 97-020, dated January 6, 1997, re: road vacation file No. V-2280
- Exhibit No. 16 Copy of King County Department of Transportation/Notice of Hearing on February 5, 1997, re: road vacation file No. V-2280
- Exhibit No. 17 Affidavit of posting on January 8, 1997, subscribed and sworn January 10, 1997
- Exhibit No. 18 Letter, dated January 29, 1997, from Road Services Division, to Karl Weiser, re: corrections and additions to staff report (exhibit no. 1)
- Exhibit No. 19 Road vacation worksheet V-2280.XLS, dated July 23, 1996, revised October 1, 1996
- Exhibit No. 20 Road vacation worksheet V-2280.XLS, dated July 23, 1996, revised October 2, 1996, and revised January 27, 1997
- Exhibit No. 21 Map illustrating the proposed vacation area and the area to be deeded to King County

SLS:var  
attachments  
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